

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-13077 Filed 5-26-95; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. 21089; 811-6371]

Kidder, Peabody U.S. Treasury Securities Fund; Notice of Application

May 22, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Kidder, Peabody U.S. Treasury Securities Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on May 4, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 16, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 60 Broad Street, New York, New York 10004-2350.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942-0584, or H.R. Hallock, Jr., Senior Special Counsel, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application

may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified management investment company, organized as a business trust under the laws of the Commonwealth of Massachusetts. On August 7, 1991, applicant registered under the Act and filed a registration statement under the Act and the Securities Act of 1933. Applicant's registration statement was never declared effective, and applicant has made no public offering of its shares.

2. Applicant never issued or sold any securities, except to its sole shareholder and sponsor, Kidder Peabody Asset Management, Inc. As of the date of filing of the application, applicant had no shareholders, liabilities or assets. Applicant is not a party to any litigation or administrative proceeding.

3. Pursuant to written consent, applicant's sole Trustee determined that it was advisable and in the best interests of the applicant to withdraw its registration statement with the SEC, cease to be registered as an investment company and terminate its existence as a Massachusetts business trust and liquidate any assets and that the proceeds from the liquidation of the shares be returned to Kidder Peabody Asset Management, Inc.

4. Applicant is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-13078 Filed 5-26-95; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-21091; 812-9554]

Nations Fund, Inc., et al.; Notice of Application

May 23, 1995.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Nations Fund, Inc., Nations Fund Trust, Nations Fund Portfolios, Inc. and The Capitol Mutual Funds (collectively, the Investment Companies'), and NationsBank, N.A. (the "Adviser").

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act for an

exemption from sections 13(a)(2), 18(f)(1), 22(f), and 22(g) and rule 2a-7 thereunder, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a)(1), and pursuant to rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit the Investment Companies to enter into deferred compensation arrangements with their directors.

FILING DATE: The application was filed on March 28, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 19, 1995, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, Marco E. Adelfio, Morrison & Foerster, 2000 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942-0574, or Robert A. Robertson, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Each Investment Company is a registered open-end management investment company comprised of several investment portfolios. Nations Fund trust and Capitol Mutual Funds are organized as Massachusetts business trusts. Nations Fund, Inc. and Nations Fund Portfolios, Inc. are organized as Maryland corporations. The Adviser serves as the investment adviser for each investment portfolio of each Investment Company. Applicants request that the proposed relief apply to the Investment Companies and all subsequent registered open-end investment companies advised by the Adviser (such registered open-end

investment companies, together with the Investment Companies, are referred to collectively as the "Funds").

2. The board of directors of each Investment Company currently consists of seven persons, five of whom are not "interested persons" of that Investment Company. The membership of each of the boards is identical. Each director¹ is entitled to receive annual fees plus meeting attendance fees from each Investment Company. The chairman of the board receives an additional fee from each Investment Company. A deferred fee arrangement for the directors that has been adopted by the existing Funds is implemented through a deferred compensation plan (the "Plan"). The purpose of the Plan is to permit individual directors to elect to defer receipt of all or a portion of the fees otherwise payable for their services, to enable them to defer payment of income taxes on such fees or for other reasons.

3. The Plan became effective with respect to each Investment Company upon adoption by its board of directors. The Plan was adopted prior to the receipt of any exemptive relief requested. An exemptive order is required for the Plan because the Funds wish to use returns on portfolios of the Fund to determine the amount of earnings and gains or losses allocated to a director's deferred compensation account ("Deferral Account"); this feature will not be implemented without the issuance of an order. Pending receipt of an order, the Plan provides that the compensation deferred by a participant ("Compensation Deferrals") will be credited to the participant's Deferral Account in the form of cash and credited with earnings in an amount equal to the yield on 90-day U.S. Treasury Bills.

4. Under the Plan, Compensation Deferrals will be credited, as of the date such fees would have been paid, to a separate book reserve account established with respect to each participating Fund. The director may select one or more investment portfolios from a list of available portfolios of the Funds that will be used to measure the hypothetical investment performance of the director's Deferral Account. The value of a Deferral Account will be equal to the value such account would have had if the amount credited to it had been invested and reinvested in shares of the investment portfolios designated by the director (the "Designated Shares"). Each Deferral Account will be credited or charged

with book adjustments representing all interest, dividends and other earnings and all gains and losses that would have been realized had the amounts credited to such account actually been invested in the Designated Shares.

5. A participating Fund's obligation to make payments with respect to a Deferral Account is and will remain a general obligation of the Fund to be made from the general assets and property of each portfolio. With respect to the obligations created under the Plan, each director will remain a general unsecured creditor. The Plan does not create an obligation of any Fund to any director to purchase, hold or dispose of any investments, and if a Fund or portfolio should choose to purchase investments in order to exactly "match" its obligations, all such investments will continue to be part of the general assets and property of such Fund.

6. Each Fund may, and with respect to any money market fund that values its assets by the amortized cost method will, purchase and maintain Designated Shares in an amount equal to the deemed investments of the Deferral Accounts. Except in the case of money market funds, applicants expected to effect matching transactions only if circumstances warrant, based upon a consideration of a Fund's total assets and the amount of deferred compensation subject to the Plan.

Applicants' Legal Analysis

1. Applicants request an order that would exempt the Funds under section 5(c) of the Act from sections 13(a)(2), 18(f)(1), 22(f), and 22(g) of the Act, and rule 2a-7 thereunder to the extent necessary to permit the Funds to enter into deferred fee arrangements with their directors; under sections 6 (c) and 17(b) of the Act from section 17(a)(1) of the Act to the extent necessary to permit the Funds to sell securities issued by them to participating Funds; and pursuant to rule 17d-1 under the Act to permit the Funds to engage in certain joint transactions incident to such deferred fee arrangements.

2. Section 18(f)(1) generally prohibits a registered open-end investment company from issuing senior securities. Section 13(a)(2) requires that a registered investment company obtain shareholder authorization before issuing any senior security not contemplated by the recitals of policy in its registration statement. Applicants state that the Plan does not give rise to any of the "evils" that led to Congress' concerns. No participating Fund will be "borrowing" from the directors. The Plan will not induce speculative investments or provide opportunities for manipulative

allocation of any Fund's expenses or profits, affect control of any Fund, confuse investors or convey a false impression as to the safety of their investments, or be inconsistent with the theory of mutuality of risk.

3. Section 22(f) prohibits undisclosed restrictions on transferability or negotiability of redeemable securities issued by open-end investment companies. The Plan sets forth any restrictions or transferability or negotiability, and such restrictions are primarily to benefit the participating directors and would not adversely affect the interests of the director or of any shareholder of any Fund.

4. Section 22(g) prohibits registered open-end investment companies from issuing any of their securities for services or for property other than cash or securities. The legislative history of the Act suggests Congress was concerned with the dilutive effect on the equity and voting power that may result when securities are issued for consideration that is not readily valued. The Plan would not have this effect. Applicants believe that the Plan merely would provide for deferral of payment of fees and thus should be viewed as being issued not in return for services but in return for a Fund not being required to pay such fees on a current basis.

5. Rule 2a-7 imposes certain restrictions on the investments of "money market funds," as defined under the rule, that would prohibit a Fund that is a money market fund from investing in the shares of any other Fund. Applicants believe that the requested exemption would permit the Funds to achieve an exact matching of Designated Shares with the deemed investments of the Deferred Fee Accounts, thereby ensuring that the deferred fee arrangements would not affect net asset value.

6. Section 17(a)(1) generally prohibits an affiliated person of a registered investment company from selling any security to such registered investment company, except in limited circumstances. Funds that are advised by the same entity may be "affiliated persons" under section 2(a)(3)(C) of the Act. Applicants believe that an exemption from this provision would not implicate Congress' concerns in enacting section 17(a)(1) but would facilitate the matching of each Fund's liability for Compensation Deferrals with Designated Shares that would determine the amount of such Fund's liability. Applicants believe that the proposed transaction satisfies the criteria of sections 6(c) and 17(b).

¹ "Director" refers to a trustee or director of a Fund, as the case may be.

7. Section 17(d) and rule 17d-1 generally prohibit a registered investment company's joint or joint and several participation with an affiliated person in a transaction in connection with any joint enterprise or other joint arrangement without SEC approval. Under the Plan, participating directors will not receive a benefit that otherwise would inure to a Fund or its shareholders. Deferral of a director's fees in accordance with the Plan would essentially maintain the parties, viewed both separately and in their relationship to one another, in the same position (apart from tax effects) as would occur if the fees were paid on a current basis and then invested by the director directly in Designated Shares.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. With respect to the requested relief from rule 2a-7, any money market Fund that values its assets by the amortized cost method will buy and hold Designated Shares that determine the performance of Deferral Accounts to achieve an exact match between the liability of such Fund to pay Compensation Deferrals and the assets that offset that liability.

2. If a Fund purchases Designated Shares issued by an affiliated Fund, the Fund will vote such shares in proportion to the votes of all other holders of shares of such affiliated Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 95-13079 Filed 5-26-95; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2775 Amendment #1]

Louisiana; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, effective May 17, 1995, to establish the incident period for this disaster as beginning on May 8, 1995 and continuing through May 16, 1995.

All other information remains the same i.e., the termination date for filing applications for physical damage is July 10, 1995, and for loans for economic injury the deadline is February 12, 1996. (Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 22, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95-13099 Filed 5-26-95; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2776; Amendment #1]

Mississippi; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, effective May 19, 1995, to include Jackson County, Mississippi as a disaster area due to damages caused by severe storms, tornadoes, and flooding. In addition, effective May 17, 1995, the declaration is amended to establish the incident period for this disaster as beginning on May 8, 1995 and continuing through May 17, 1995.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of George in the State of Mississippi, and Mobile in the State of Alabama may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., termination date for filing applications for physical damage is July 10, 1995, and for loans for economic injury the deadline is February 12, 1996.

The economic injury number for the State of Alabama is 852900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 22, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95-13098 Filed 5-26-95; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 2213]

United States International Telecommunications Advisory Committee (ITAC): Study Group B; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Study Group B Group will meet on Thursday, June 22, 1995 at 9:30 a.m., Room 1912 of the Department of State.

The Agenda for Study Group B will include a review of the results of the ITU-T Study Group 11 meeting (May 1995) as well as the results of the June Study Group 9 meeting. Consideration

of contributions to upcoming meetings of ITU-T Study Group 13 in July, 1995 and the ITU-T Study Group 10 meeting, in September of 1995 will also be considered on the agenda of this meeting. Other matters within the purview of Study Group B may be raised at the meeting. Persons presenting contributions to the meeting of Study Group B should bring 35 copies to the meeting.

Members of the General Public may attend the meetings and join in the discussions, subject to the instructions of the chair. Admittance of public members will be limited to the seating available. In this regard, entrance to the Department of State is controlled. If you are not presently named on the mailing list of the Telecommunications Standardization Sector Study Group, and wish to attend please call 202-647-0201 not later than 5 days before the scheduled meetings. Enter from the "C" Street Main Lobby. One of the following valid photo ID's will be required for admittance: U.S. driver's license with picture, U.S. passport, U.S. Government ID (company ID's are no longer accepted by Diplomatic Security).

Dated: May 16, 1995.

Earl S. Barbely,

Chairman, U.S. ITAC for Telecommunication Standardization.

[FR Doc. 95-13058 Filed 5-26-95; 8:45 am]

BILLING CODE 4710-45-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airborne Windshear Warning and Escape Guidance Systems for Transport Airplanes

AGENCY: Federal Aviation Administration, DOD.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of and requests comments on a proposed technical standard order (TSO) pertaining to airborne windshear warning and escape guidance systems for transport airplanes. The proposed TSO prescribes the minimum performance standards that airborne windshear warning and escape guidance systems for transport airplanes must meet to be identified with the marking "TSO-C117a."

DATES: Comments must identify the TSO file number and be received on or before August 31, 1995.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR-120,